

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAYMOND M. GONZALES,

Petitioner,

v.

Case No. 11-cv-0686 MCA/SMV

**ERASMO BRAVO, Warden,
Guadalupe Correctional Facility, and
ATTORNEY GENERAL FOR THE
STATE OF NEW MEXICO,**

Respondents.

ORDER DENYING FIFTH MOTION FOR APPOINTMENT OF COUNSEL

THIS MATTER is before the Court on Petitioner's [Fifth] Motion for Appointment of Counsel [Doc. 23] ("Motion"), which was filed on April 18, 2012. The caption of the motion, as well as much of its contents, indicates that it was intended for the Ninth Judicial District Court, in Curry County, New Mexico. *Id.* However, because the motion was filed in this Court, it will be considered.

This case is currently stayed pending Petitioner's exhaustion of his state-court remedies. Order Granting Petitioner's Motion to Hold in Abeyance [Doc. 22]. There is no indication that Petitioner has done so, and the case remains stayed. Accordingly, appointment of counsel in this Court is not necessary at this time. Additionally, because Petitioner is adequately presenting his claims, because Petitioner does not allege any change in circumstances since the Court last addressed this issue, and for the same reasons as those identified in the Court's orders denying the previous motions for appointment of counsel, the Court finds that the instant Motion is not

well-taken and will be denied. *See, e.g.*, Order Denying Third Motion for Appointment of Counsel and Reserving Ruling on Motion for Evidentiary Hearing [Doc. 17].

IT IS THEREFORE ORDERED that Petitioner's [Fifth] Motion for Appointment of Counsel [Doc. 23] is **DENIED**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written above a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge